

1 Stephen L. Newton (State Bar #57897) (snewton@newtonremmel.com)
2 Gabriel G. Gregg (State Bar #187333) (ggregg@newtonremmel.com)
3 NEWTON REMMEL
4 A Professional Corporation
5 1451 Grant Road, P.O. Box 1059
6 Mountain View, CA 94042
7 Telephone: (650) 903-0500
8 Facsimile: (650) 967-5800

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10 Attorneys for Plaintiff and Counter-Claim Defendant
11 FEDERAL INSURANCE COMPANY
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL INSURANCE COMPANY, an Indiana corporation,) Case No: C 05-01878 JW
Plaintiff,) STIPULATION AND [PROPOSED] ORDER EXTENDING EXPERT DISCOVERY DEADLINE
vs.)
ST. PAUL FIRE & MARINE INSURANCE COMPANY, a Minnesota corporation,)
Defendant.)
AND RELATED COUNTERCLAIM.)

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1 The parties hereto submit the following Stipulation and [Proposed] Order Extending
2 Expert Discovery Deadline.

3 **WHEREAS,**

4 1. The above-entitled action was filed by Federal Insurance Company (“Federal”)
5 against St. Paul Fire and Marine Insurance Company (“St. Paul”) on May 6, 2005. A
6 counterclaim was filed by St. Paul against Federal and National Union Fire Insurance Company
7 of Pittsburgh, PA, (“National”) on June 24, 2005.

8 2. On July 12, 2006, this Court issued a Scheduling Order in this action which
9 essentially adopted the schedule set forth in the parties’ Joint Case Management Statement and
10 Proposed Order without hearing.

11 3. On January 2, 2008, this Court approved and issued a Stipulation and Order To
12 Extend Certain Pretrial Dates and the Date of the Preliminary Pretrial and Trial Setting
13 Conference (“1/2/08 Order”). The 1/2/08 Order scheduled the Preliminary Pretrial Conference
14 in this action for April 14, 2008. The 1/2/08 Order also extended the expert discovery deadline
15 to February 29, 2008.

16 4. On January 25, 2008, this Court issued its “Order Granting Plaintiff’s Motion
17 for Partial Summary Judgment; Denying Defendant’s Motion for Partial Summary Judgment”
18 (“1/25/08 Order”) on the parties’ motions taken under submission on December 10, 2007.
19 Since the issuance of the 1/25/08 Order, the parties have been considering their options based
20 on the findings of the Order. For example, Federal recently filed a Motion for Leave to File a
21 Motion for Reconsideration of the 1/25/08 Order.

22 5. While the parties had effectively halted expert discovery pending receipt of the
23 Court’s 1/25/08 Order, the parties have determined to proceed with expert discovery and have
24 noticed certain expert discovery depositions. However, due to pre-existing scheduling
25 conflicts, the parties will be unable to complete expert discovery by the current expert
26 discovery deadline of February 29, 2008.

27 6. Accordingly, the parties request that this Court grant a final extension of the
28 expert discovery deadline to March 28, 2008, to enable the parties to complete their expert

1 discovery. This extension will not impact any other scheduled date in this action, including the
2 preliminary pretrial conference scheduled for April 14, 2008.

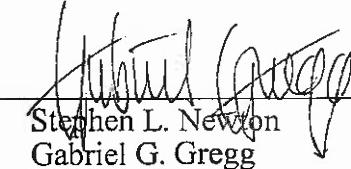
3 **NOW, THEREFORE,**

4 **IT IS HEREBY STIPULATED** that the expert discovery deadline be extended to
5 **March 28, 2008** (formerly February 28, 2008).

6 **IT IS SO STIPULATED.**

7 Dated: February 20, 2008

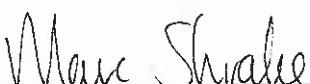
NEWTON REMMEL

8 By: 

9 Stephen L. Newton
10 Gabriel G. Gregg
11 Attorneys for Plaintiff and Counterclaim
12 Defendant
FEDERAL INSURANCE COMPANY

13 Dated: February 20, 2008

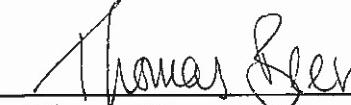
SQUIRE, SANDERS &DEMPSEY LLP

14 By: 

15 Marc J. Shrake *GG (by permission)*
16 Attorneys for Defendant and
17 Counterclaimant
ST. PAUL FIRE AND MARINE
18 INSURANCE COMPANY

19 Dated: February 20, 2008

BARGER & WOLEN LLP

20 By: 

21 Thomas Beer *TTB (by permission)*
22 Attorneys for Counterclaim Defendant
NATIONAL UNION FIRE INSURANCE
23 COMPANY OF PITTSBURGH, PA

24 **ORDER**

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 February 21, 2008

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JAMES WARE
United States District Judge